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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4164 OF 2005

Maharashtra Girani Kamgar Union ... Petitioner

V/s.

M/s.Finlay Mills & Ors. ... Respondents

Mr.S.N. Deshpande for Petitioner
Mr.K.S. Bapat for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 1, 2005**

P.C.:

. The order challenged in this Petition is passed by the Industrial Court on 19.4.2005. It rejects the application for interim relief filed by the petitioner. The Petitioner contends that there is an unfair labour practice under Items 3 and 9 of Schedule IV of the MRTU & PULP Act in view of the relocation of the machinery of Respondent No.1 to M/s.Digvijay Mills. The Industrial Court has found prima facie that the relocation has been effected in order to tide over a situation caused by the structural infirmity of Finlay Mills. The petitioner contends that the very fact that the machinery and the men are being relocated in Digvijay mills, which is considered to be an unviable mill by Board for Industrial Finance and Reconstruction, amounts to an

unfair labour practice.

2. An affidavit has been filed by the General Manager of Respondent No.1 contending in paragraphs 7.2 and 7.3 thereto that Respondent No.1 was compelled to take the action of relocation of the mill to Digvijay Textile Mills since the structure of Finlay Mills was in a dilapidated condition and notice had ben issued to them by the Factory Inspector. In such circumstances, they considered the relocation of the Mill was a better option rather than closing down the same.

3. The Industrial Court has refused interim relief also because the representative union has filed a complaint seeking the same relief. The maintainability of the complaint filed by the Petitioner is an aspect which would have to be considered before any relief is granted.

4. In my view, the Industrial Court has committed no error in refusing the interim relief. Petition rejected.